

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEITH B. MCGILL,

Plaintiff,

v.

WARDEN HUTCHINSON,

Defendant.

Civil Action No. 1:23-cv-249

MEMORANDUM ORDER

Plaintiff Keith McGill is an inmate currently incarcerated at the Federal Correctional Institution at McKean. He has filed a motion for emergency injunctive relief at the above docket number based on the prison's alleged failure to "follow a court order." ECF No. 1. The matter has been referred to Chief United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and the Local Rules for Magistrate Judges.

On September 26, 2023, Judge Lanzillo issued a Report and Recommendation ("R&R") in which he opined that the Plaintiff's motion should be denied for lack of jurisdiction and the case administratively closed, as no complaint has been filed in this matter. ECF No. 3. Judge Lanzillo noted that, to properly pursue a claim for injunctive relief, Plaintiff must file a complaint as set forth in Federal Rule of Civil Procedure 8 and either pay the requisite filing and administrative fees or submit a petition for leave to proceed *in forma pauperis*. Plaintiff's objections to the R&R were due on October 13, 2023; however, no objections have been filed to date.

Accordingly, upon *de novo* review of the Complaint and documents in the case, including Plaintiff's Motion for a Preliminary Injunction and the Magistrate Judge's Report and Recommendation, the following Order is entered:

NOW, this 19th day of October, 2023, IT IS ORDERED that Plaintiff's Motion for a Preliminary Injunction, ECF No. [1], shall be, and hereby is, DISMISSED for lack of jurisdiction, as no complaint has been filed in this case. Further, the Clerk is directed to mark this case administratively closed until Plaintiff: (1) pays the requisite fees or, alternatively submits a properly completed petition for leave to proceed *in forma pauperis*, and (2) files or lodges a complaint. Once a complaint has been filed, the named Defendants have been served, and the Court obtains personal jurisdiction over those Defendants, Plaintiff may renew his motion for injunctive relief, if warranted.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Lanzillo, dated September 26, 2023, ECF No. [3], is adopted as the opinion of this Court.

A handwritten signature in black ink, reading "Susan Paradise Baxter". The signature is fluid and cursive, with the first name "Susan" being the most prominent.

SUSAN PARADISE BAXTER
United States District Judge